UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION Case No. 3:11-cv-440-RJC-DCK

Timothy G. Mychaluk,

Plaintiff,

ORDER

v.

MICHAEL J. ASTRUE,

Commissioner of Social Security,

Defendant.

THIS MATTER is before the Court upon Plaintiff Timothy G. Mychaluk's Complaint (Doc. No. 1) and Defendant Michael J. Astrue's Motion to Dismiss (Doc. No. 5). Because the Commissioner has provided Plaintiff with the relief he requested, and Plaintiff's counsel assents to the Motion to Dismiss, Plaintiff's Complaint will be **DISMISSED as moot**.

IT IS, THEREFORE, ORDERED THAT:

Defendant's Motion to Dismiss (Doc. No. 5) is GRANTED.

Signed: September 27, 2011

Robert J. Conrad, Jr.

Chief United States District Judge